IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9039 OF 2005

Subhash S. Barge & Ors. ...Petitioners.

Versus

Ramkrishna B. Barge & Ors. ...Respondents.

Shri P.D.Gharge for the Petitioners.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 14th FEBRUARY, 2006.

P.C. :

. Heard Shri Gharge - learned Counsel appearing for the petitioners. With his assistance, I have perused the orders passed by the Sub-Divisional Officer, Collector and the Commissioner. In my limited jurisdiction under Article 227 of the Constitution of India, it is not possible for me to reappreciate and reappraise the materials which have been relied upon to hold that the petitioners have encroached upon the land in question. More so, when the Authorities have clearly held that the petitioners have a remedy of approaching the concerned Authorities for redressal of their grievances pertaining to the measurement of the boundary. That apart, if the petitioners seek to assert their rights in the land as well as the structure, they can approach a Civil Court for adjudication of their right, title and interest therein

and all observations in the impugned orders are always subject to such adjudication. That is clear from the Scheme of Section 138 as well as Section 50 of the Maharashtra Land Revenue Code, 1966. Petition dismissed.

(S.C.DHARMADHIKARI,J.)